

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

113TH LEGISLATIVE DAY

THURSDAY, NOVEMBER 21, 2002

10:10 O'CLOCK A.M.

No. 113  
[Nov. 21, 2002]

The Senate met pursuant to adjournment.  
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.  
Prayer by Pastor Rick Wenneborg, Chatham Christian Church,  
Chatham, Illinois.

Senator Radogno led the Senate in the Pledge of Allegiance.

Senator W. Jones moved that reading and approval of the Journals of Tuesday, November 19, 2002 and Wednesday, November 20, 2002 be postponed pending arrival of the printed Journals.

The motion prevailed.

#### REPORTS FROM STANDING COMMITTEES

Senator Petka, Vice-Chairperson of the Committee on Executive, to which was referred the Motion to concur with House to the following Senate Bill, reported that the Committee recommends that it be approved for consideration:

Motion to concur House Amendment 7 to Senate Bill 1171

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred the following Senate floor amendment, reported that the Committee recommends that it be approved for consideration:

Amendment No. 3 to House Bill 4047

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred the following Senate floor amendment, reported that the Committee recommends that it be approved for consideration:

Amendment No. 3 to House Bill 2463

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

#### MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT  
ILLINOIS SENATE

November 21, 2002

Mr. Jim Harry  
Secretary of the Senate  
401 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Please be advised that I have appointed Senator Carl Hawkinson

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and Senator Duane Noland to be the Assistant Senate Majority Leaders. They replace former Senators John Maitland and Walter Dudycz, respectively, in the positions.

These appointments are effective immediately.

Sincerely,

s/James "Pate" Philip  
President of the Senate

CC: Senator Emil Jones  
Senator Carl Hawkinson  
Senator Duane Noland

#### PRESENTATION OF RESOLUTION

Senator Roskam offered the following Senate Resolution, which was referred to the Committee on Rules:

##### SENATE RESOLUTION NO. 543

BE IT RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Illinois Supreme Court to adopt the following rule relating to the testimony of an accomplice or an incarcerated informant in capital cases:

"When the sentence of death is being sought by the State, the court shall consider, or shall instruct the jury to consider, that the testimony of an accomplice or incarcerated informant who may provide evidence against a defendant for pay, immunity from punishment, or personal advantage must be examined and weighed with greater care than the testimony of an ordinary witness. Whether the accomplice or informant's testimony has been affected by interest or prejudice against the defendant must be determined. In making the determination, the jury must consider (i) whether the accomplice or incarcerated informant has received anything, including pay, immunity from prosecution, leniency in prosecution, or personal advantage, in exchange for testimony, (ii) any other case in which the accomplice or informant testified or offered statements against an individual but was not called, and whether the statements were admitted in the case, and whether the accomplice or informant received any deal, promise, inducement, or benefit in exchange for that testimony or statement, (iii) whether the accomplice or informant has ever changed his or her testimony, (iv) the criminal history of the accomplice or informant, and (v) any other evidence relevant to the credibility of the accomplice or informant."; and be it further

RESOLVED, That a copy of this resolution be forwarded to the Honorable Mary Ann McMorrow, Chief Justice of the Illinois Supreme Court.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 2643

[Nov. 21, 2002]

A bill for AN ACT concerning contracts.

Passed the House, November 20, 2002.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bill No. 2643 was taken up, ordered printed and placed on first reading.

At the hour of 10:15 o'clock a.m., Senator Hawkinson presiding.

READING BILL FROM THE HOUSE OF REPRESENTATIVES  
A FIRST TIME

House Bill No. 2643, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

EXCUSED FROM ATTENDANCE

On motion of Senator Demuzio, Senator Smith was excused from attendance due to illness.

On motion of Senator Demuzio, Senator Molaro was excused from attendance due to personal reasons.

On motion of Senator Watson, Senator Klemm was excused from attendance due to personal reasons.

On motion of Senator Sullivan, Senator Geo-Karis was excused from attendance due to illness.

PRESENTATION OF RESOLUTION

Senators E. Jones - Demuzio - Welch - Viverito - Hendon, Shaw, Halvorson, W. Jones, Sullivan, Dillard offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 84

WHEREAS, United Airlines is the largest air carrier headquartered in Illinois, the ongoing viability and stability of United Airlines, a significant economic engine for commercial activity throughout Northern Illinois, is of paramount importance to the welfare of the State of Illinois and its citizens; and

WHEREAS, United employs nearly 20,000 at O'Hare, Chicago Reservations, World Headquarters, and other locations throughout Northern Illinois; and

WHEREAS, United and its holding company, UAL Corporation, also contribute over \$84,000,000 annually in rents and landing fees, passenger facility charges, and significant tax revenue to the region and the State of Illinois; and

WHEREAS, Each day, more than 800 United flights takeoff or arrive at O'Hare and more than 80,000 United passengers arrive or depart from O'Hare. One United domestic passenger arriving at O'Hare generates approximately \$1,120 for the City of Chicago and the State of Illinois. Each international passenger generates approximately \$2,310. Because of United, almost 15,000,000 travelers a year contribute to the region's economy; and

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WHEREAS, United's Chicago Reservations Center makes upwards of 18,000,000 bookings annually and, at the same time, United Cargo employees process over 232,000,000 pounds of mail and freight at O'Hare; and

WHEREAS, United was significantly impacted by the September 11, 2001 terrorist attacks; with two of four hijacked aircraft belonging to United, it was both a target and a victim of the tragic events of September 11; and

WHEREAS, The dramatic drop in air travel since September 11, 2001 -- especially high yield international and business travel -- has and continues to have a significant deteriorating impact on the financial condition of United Airlines; and

WHEREAS, The Air Transportation Safety and System Stabilization Act was signed by the President of the United States on September 22, just 11 days after the terrorist attacks of September 11, 2001; and

WHEREAS, The President of the United States described this Act as providing "urgently needed tools" to assure safety and immediate stability of our Nation's commercial airline system and to establish a process for compensating victims of terrorist attacks; and

WHEREAS, In order to compensate air carriers for the losses associated with September 11, and to induce private lending institutions to extend financial assistance to U.S. airlines, the Stabilization Act provided direct grants for air carriers and up to \$10,000,000,000 in loan guarantees for U.S. based air carriers; and

WHEREAS, The loan guarantee provision of the Act is meant to assist those carriers that suffered losses due to the terrorist attacks of September 11, and to whom credit is otherwise not available in order to facilitate a safe, efficient, and viable commercial aviation system in the United States; and

WHEREAS, There is no cost to the U.S. Government or to the American taxpayer, apart from administrative expenses, unless the airline defaults on the loan and the U.S. Government is called on to honor the guarantee; and

WHEREAS, United has outlined a sound financial recovery plan with four basic tenets: expense reduction, revenue enhancement, employee-shared sacrifice, and financing and liquidity; and

WHEREAS, United's October 22 updated ATSB loan application requesting \$1,800,000,000 includes specific labor cost reductions of \$5,800,000,000 over the next 5 1/2 years, with the participation of all employee groups; and

WHEREAS, United Airlines has pledged specific non-labor profit improvements of \$1,400,000,000 and a process for an additional \$400,000,000 in savings; and

WHEREAS, United has pledged to work tirelessly to find additional means of enhancing revenue and lowering costs; and

WHEREAS, United is in precisely the situation Congress had in mind when it enacted the Air Transportation Safety and System Stabilization Act; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we do hereby formally request and urge the Air Transportation Stabilization Board, part of the United States Treasury, to expeditiously approve United Airlines' application for a loan guarantee; and be it further

RESOLVED, That suitable copies of this resolution be immediately delivered to George W. Bush, the President of the United States; Alan Greenspan, the Chairman of the Federal Reserve Board; Norman Mineta, the Secretary of Transportation; and Paul O'Neill, the Secretary of the Treasury.

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## JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 2 to Senate Bill 1966

## REPORTS FROM RULES COMMITTEE

Senator Weaver Chairperson of the Committee on Rules, to which was referred House Bills Numbered 3712 and 5657, on July 3, 2002, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And House Bills Numbered 3712 and 5657, were returned to the order of third reading.

Senator Weaver Chairperson of the Committee on Rules, to which was referred Senate Bill No. 1966, with House Amendment No. 2 on July 3, 2002, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And Senate Bill No. 1966, with House Amendment No. 2 was returned to the order of Secretary's Desk - Concurrence.

Senator Weaver, Chairperson of the Committee on Rules, during its November 21, 2002 meeting, reported the following Senate Bill has been assigned to the indicated Standing Committee of the Senate:

Executive: Senate Bill No. 2079.

Senator Weaver, Chairperson of the Committee on Rules, during its November 21, 2002 meeting, reported the following House Bills have been assigned to the indicated Standing Committees of the Senate:

Executive: House Bills numbered 30, 2643 and 2721.

Insurance and Pensions: House Bills numbered 2112 and 3080.

Public Health and Welfare: House Bill No. 5218.

Senator Weaver, Chairperson of the Committee on Rules, during its November 21, 2002 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committees of the Senate:

Executive: Senate Joint Resolution No. 84.

Judiciary: Senate Resolution No. 543.

Senator Weaver, Chairperson of the Committee on Rules, during its November 21, 2002 meeting, reported the following House Resolution has been assigned to the indicated Standing Committee of the Senate:

Executive: House Joint Resolution No. 83.

Senator Weaver, Chairperson of the Committee on Rules, during its November 21, 2002 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the Senate:

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Judiciary: Motion to Concur with House Amendment No. 2 to Senate Bill 1966.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measures have been approved for consideration:

Senate Amendment 2 to House Bill 1273  
 Senate Amendment 4 to House Bill 2463  
 Senate Amendment 1 to House Bill 2742

The foregoing floor amendments were placed on the Secretary's Desk.

#### READING A BILL OF THE SENATE A THIRD TIME

On motion of Senator Lauzen, Senate Bill No. 2424, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 48; Nays None; Present 4.

The following voted in the affirmative:

Brady  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Dillard  
 Donahue  
 Halvorson  
 Hawkinson  
 Hendon  
 Jones, E.  
 Jones, W.  
 Karpel  
 Lauzen  
 Link  
 Luechtefeld  
 Madigan  
 Mahar  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 O'Shea  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Roskam  
 Rupley  
 Shadid

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Shaw  
 Sieben  
 Silverstein  
 Stone  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

The following voted present:

Bomke  
 Bowles  
 Demuzio  
 Jacobs

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Luechtefeld, House Bill No. 800 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 37; Nays 8; Present 4.

The following voted in the affirmative:

Brady  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 del Valle  
 Dillard  
 Donahue  
 Jones, W.  
 Karpiel  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Myers  
 Noland  
 O'Malley  
 O'Shea  
 Peterson  
 Petka

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Radogno  
Rauschenberger  
Roskam  
Rupley  
Shadid  
Sieben  
Silverstein  
Stone  
Sullivan  
Syverson  
Viverito  
Walsh  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

The following voted in the negative:

DeLeo  
Halvorson  
Hendon  
Jacobs  
Madigan  
Munoz  
Obama  
O'Daniel

The following voted present:

Bomke  
Bowles  
Demuzio  
Shaw

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Philip, House Bill No. 1264 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Brady  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo

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del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan  
 Mahar  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 O'Shea  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Roskam  
 Rupley  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Stone  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Peterson, House Bill No. 1268 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 52; Nays None.

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The following voted in the affirmative:

Bomke  
 Bowles  
 Brady  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan  
 Mahar  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Shea  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Roskam  
 Rupley  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Stone  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence

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in the Senate Amendment adopted thereto.

# HOUSE BILL RECALLED

On motion of Senator Rauschenberger, House Bill No. 1273 was recalled from the order of third reading to the order of second reading.

Senator Rauschenberger offered the following amendment and moved its adoption:

## AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1273 by replacing everything after the enacting clause with the following:

"Section 5. The Telecommunications Excise Tax Act is amended by changing Section 2 as follows:

(35 ILCS 630/2) (from Ch. 120, par. 2002)

Sec. 2. As used in this Article, unless the context clearly requires otherwise:

(a) "Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in this State and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State, charges for the channel mileage between each channel point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois. Charges for that portion of the interstate inter-office channel provided in Illinois shall be determined as follows: (i) for interstate inter-office channels having 2 channel termination points, only one of which is in Illinois, 50% of the total charge imposed; (ii) for interstate inter-office channels having more than 2 channel termination points, one or more of which are in Illinois, an amount equal to the total charge multiplied by a fraction, the numerator of which is the number of channel termination points within Illinois and the denominator of which is the total number of channel termination points; (iii) any other method that reasonably apportions the total charges for interstate inter-office channels among the states in which channel termination points are located; and (iv) prior to June 1, 2003, any apportionment method consistent with this paragraph shall be accepted as a reasonable method to determine the charges for that portion of the interstate inter-office channel provided within Illinois for that period. However, "gross charges" shall not include any of the following:

(1) Any amounts added to a purchaser's bill because of a charge made pursuant to (i) the tax imposed by this Article; (ii) charges added to customers' bills pursuant to the provisions of Sections 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in such provisions of such Act; (iii) the tax imposed by Section 4251 of the Internal Revenue Code; (iv) 911 surcharges; or (v) the tax imposed by the Simplified Municipal Telecommunications Tax Act.

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(2) Charges for a sent collect telecommunication received outside of the State.;

(3) Charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement.;

(4) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges.;

(5) Charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act, as amended, to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs.;

(6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Article has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service.;

(7) Bad debts. Bad debt means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectable, as determined under applicable federal income tax standards. If the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made.;

(8) Charges paid by inserting coins in coin-operated telecommunication devices.;

(9) Amounts paid by telecommunications retailers under the Telecommunications Municipal Infrastructure Maintenance Fee Act.

(10) Charges for nontaxable services or telecommunications if (i) those charges are aggregated with other charges for telecommunications that are taxable, (ii) those charges are not separately stated on the customer bill or invoice, and (iii) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

(b) "Amount paid" means the amount charged to the taxpayer's service address in this State regardless of where such amount is billed or paid.

(c) "Telecommunications", in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll and wide area telephone service; private line services; channel services; telegraph services; teletypewriter; computer exchange services; cellular mobile telecommunications service; specialized mobile radio; stationary two way radio; paging service; or any other form of mobile and portable

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one-way or two-way communications; or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave, radio, satellite or similar facilities. As used in this Act, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by him to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into end-to-end telecommunications service shall be non-taxable as sales for resale.

(d) "Interstate telecommunications" means all telecommunications that either originate or terminate outside this State.

(e) "Intrastate telecommunications" means all telecommunications that originate and terminate within this State.

(f) "Department" means the Department of Revenue of the State of Illinois.

(g) "Director" means the Director of Revenue for the Department of Revenue of the State of Illinois.

(h) "Taxpayer" means a person who individually or through his agents, employees or permittees engages in the act or privilege of originating or receiving telecommunications in this State and who incurs a tax liability under this Article.

(i) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute or any city, town, county or other political subdivision of this State.

(j) "Purchase at retail" means the acquisition, consumption or use of telecommunication through a sale at retail.

(k) "Sale at retail" means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

(l) "Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Article. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at

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its discretion.

(m) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(n) "Service address" means the location of telecommunications equipment from which the telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, service address shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

(o) "Prepaid telephone calling arrangements" mean the right to exclusively purchase telephone or telecommunications services that must be paid for in advance and enable the origination of one or more intrastate, interstate, or international telephone calls or other telecommunications using an access number, an authorization code, or both, whether manually or electronically dialed, for which payment to a retailer must be made in advance, provided that, unless recharged, no further service is provided once that prepaid amount of service has been consumed. Prepaid telephone calling arrangements include the recharge of a prepaid calling arrangement. For purposes of this subsection, "recharge" means the purchase of additional prepaid telephone or telecommunications services whether or not the purchaser acquires a different access number or authorization code. "Prepaid telephone calling arrangement" does not include an arrangement whereby a customer purchases a payment card and pursuant to which the service provider reflects the amount of such purchase as a credit on an invoice issued to that customer under an existing subscription plan.

(Source: P.A. 91-870, eff. 6-22-00; 92-474, eff. 8-1-02; 92-526, eff. 1-1-03.)

Section 10. The Telecommunications Infrastructure Maintenance Fee Act is amended by changing Section 10 as follows:

(35 ILCS 635/10)

Sec. 10. Definitions.

(a) "Gross charges" means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications in this State and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State, charges for the channel mileage between each channel point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois. Charges for

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that portion of the interstate inter-office channel provided in Illinois shall be determined as follows: (i) for interstate inter-office channels having 2 channel termination points, only one of which is in Illinois, 50% of the total charge imposed; (ii) for interstate inter-office channels having more than 2 channel termination points, one or more of which are in Illinois, an amount equal to the total charge multiplied by a fraction, the numerator of which is the number of channel termination points within Illinois and the denominator of which is the total number of channel termination points; (iii) any other method that reasonably apportions the total charges for interstate inter-office channels among the states in which channel termination points are located; and (iv) prior to June 1, 2003, any apportionment method consistent with this paragraph shall be accepted as a reasonable method to determine the charges for that portion of the interstate inter-office channel provided within Illinois for that period. However, "gross charges" shall not include any of the following:

(1) Any amounts added to a purchaser's bill because of a charge made under: (i) the fee imposed by this Section, (ii) additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act, (iii) the tax imposed by the Telecommunications Excise Tax Act, (iv) 911 surcharges, (v) the tax imposed by Section 4251 of the Internal Revenue Code, or (vi) the tax imposed by the Simplified Municipal Telecommunications Tax Act.;

(2) Charges for a sent collect telecommunication received outside of this State.;

(3) Charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement.;

(4) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges.;

(5) Charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs.;

(6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services.;

(7) Bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made).;-or

(8) Charges paid by inserting coins in coin-operated

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telecommunication devices.

(9) Charges for nontaxable services or telecommunications if (i) those charges are aggregated with other charges for telecommunications that are taxable, (ii) those charges are not separately stated on the customer bill or invoice, and (iii) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

(a-5) "Department" means the Illinois Department of Revenue.

(b) "Telecommunications" includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, "telecommunications" shall also include wireless telecommunications as hereinafter defined. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following) as now or hereafter amended or through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended. Beginning January 1, 2001, prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

(c) "Wireless telecommunications" includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104) as now or hereafter amended, including all commercial mobile radio services, and paging services.

(d) "Telecommunications retailer" or "retailer" or "carrier" means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this Section. The Department may, in its discretion, upon applications, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the fee. When so authorized, it shall be

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the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State.

(e) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(f) "Sale of telecommunications at retail" means the transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

(g) "Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems, and the like, "service address" shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent. (Source: P.A. 91-870, eff. 6-22-00; 92-474, eff. 8-1-02; 92-526, eff. 1-1-03.)

Section 15. The Simplified Municipal Telecommunications Tax Act is amended by changing Section 5-7 as follows:

(35 ILCS 636/5-7)

Sec. 5-7. Definitions. For purposes of the taxes authorized by this Act:

"Amount paid" means the amount charged to the taxpayer's service address in such municipality regardless of where such amount is billed or paid.

"Department" means the Illinois Department of Revenue.

"Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in such municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State, charges for the channel mileage between each channel point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois. Charges for that portion of the interstate inter-office channel provided in Illinois shall be determined as follows: (i) for interstate inter-office channels having 2 channel termination points, only one of which is in Illinois, 50% of the

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total charge imposed; (ii) for interstate inter-office channels having more than 2 channel termination points, one or more of which are in Illinois, an amount equal to the total charge multiplied by a fraction, the numerator of which is the number of channel termination points within Illinois and the denominator of which is the total number of channel termination points; (iii) any other method that reasonably apportions the total charges for interstate inter-office channels among the states in which channel termination points are located; and (iv) prior to June 1, 2003, any apportionment method consistent with this paragraph shall be accepted as a reasonable method to determine the charges for that portion of the interstate inter-office channel provided within Illinois for that period. However, "gross charge" shall not include any of the following:

(1) Any amounts added to a purchaser's bill because of a charge made pursuant to: (i) the tax imposed by this Act, (ii) the tax imposed by the Telecommunications Excise Tax Act, (iii) the tax imposed by Section 4251 of the Internal Revenue Code, (iv) 911 surcharges, or (v) charges added to customers' bills pursuant to the provisions of Section 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act.;

(2) Charges for a sent collect telecommunication received outside of such municipality.;

(3) Charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement.;

(4) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges.;

(5) Charges to business enterprises certified as exempt under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs.;

(6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Act has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service.;

(7) Bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made).;

(8) Charges paid by inserting coins in coin-operated telecommunication devices.;

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(9) Amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.

(10) Charges for nontaxable services or telecommunications if (i) those charges are aggregated with other charges for telecommunications that are taxable, (ii) those charges are not separately stated on the customer bill or invoice, and (iii) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

"Interstate telecommunications" means all telecommunications that either originate or terminate outside this State.

"Intrastate telecommunications" means all telecommunications that originate and terminate within this State.

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute, or any city, town, county, or other political subdivision of this State.

"Purchase at retail" means the acquisition, consumption or use of telecommunications through a sale at retail.

"Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Section. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

"Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

"Sale at retail" means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

"Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the

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event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

"Taxpayer" means a person who individually or through his or her agents, employees, or permittees engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by this Act.

"Telecommunications", in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this Act, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be non-taxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation ~~Occupations~~ Tax Act.

(Source: P.A. 92-526, eff. 7-1-02; revised 2-25-02.)".

The motion prevailed and the amendment was adopted and ordered printed.

Senator Rauschenberger offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1273, with reference to the page and line numbers of Senate Amendment #1, as follows:  
on page 2, in line 3, by inserting after "determined" the following: "by the retailer"; and  
on page 2, in line 12, by inserting "or" immediately before "(iii)"; and  
on page 2, in line 15, by replacing "located; and (iv) prior" with "located. Prior"; and

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on page 4, in line 22, by inserting immediately after "taxable" the following: "services or"; and  
 on page 9, in line 8, by inserting after "determined" the following: "by the retailer"; and  
 on page 9, in line 17, by inserting "or" immediately before "(iii)"; and  
 on page 9, in line 20, by replacing "located; and (iv) prior" with "located. Prior"; and  
 on page 11, in line 17, by inserting immediately after "taxable" the following: "services or"; and  
 on page 15, in line 2, by inserting after "determined" the following: "by the retailer"; and  
 on page 15, in line 11, by inserting "or" immediately before "(iii)"; and  
 on page 15, in line 14, by replacing "located; and (iv) prior" with "located. Prior"; and  
 on page 17, in line 20, by inserting immediately after "taxable" the following: "services or".

The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 1273, as amended, was returned to the order of third reading.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Burzynski, House Bill No. 1445 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Brady  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpel  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan

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Mahar  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 O'Shea  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Roskam  
 Rupley  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Stone  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Cronin, House Bill No. 1839 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the negative by the following vote: Yeas 30; Nays 20.

The following voted in the affirmative:

Bomke  
 Brady  
 Burzynski  
 Cronin  
 Dillard  
 Donahue  
 Hawkinson  
 Jones, W.  
 Karpiel  
 Lauzen  
 Luechtefeld  
 Mahar  
 Myers  
 Noland

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O'Daniel  
O'Malley  
O'Shea  
Peterson  
Petka  
Radogno  
Rauschenberger  
Roskam  
Rupley  
Sieben  
Stone  
Sullivan  
Syverson  
Watson  
Weaver  
Mr. President

The following voted in the negative:

Bowles  
Clayborne  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Hendon  
Jacobs  
Jones, E.  
Lightford  
Link  
Munoz  
Obama  
Shadid  
Shaw  
Silverstein  
Viverito  
Walsh  
Welch  
Woolard

This bill, having failed to receive the vote of three-fifths of the members elected, was declared lost, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

On motion of Senator Donahue, House Bill No. 2098 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 52; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Brady  
Burzynski  
Clayborne  
Cronin  
Cullerton

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DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Munoz  
Myers  
Noland  
Obama  
O'Daniel  
O'Malley  
O'Shea  
Peterson  
Petka  
Radogno  
Rauschenberger  
Roskam  
Rupley  
Shadid  
Shaw  
Sieben  
Silverstein  
Stone  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

#### HOUSE BILL RECALLED

On motion of Senator Noland, House Bill No. 2463 was recalled from the order of third reading to the order of second reading.

Senator Noland offered the following amendment and moved its adoption:

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## AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 2463, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Pharmacy Practice Act of 1987 is amended by changing Sections 3, 10, 14, 15, 18, 19, 22, 27, and 30 and adding Section 17.1 as follows:

(225 ILCS 85/3) (from Ch. 111, par. 4123)

(Section scheduled to be repealed on January 1, 2008)

Sec. 3. Definitions. For the purpose of this Act, except where otherwise limited therein:

(a) "Pharmacy" or "drugstore" means and includes every store, shop, pharmacy department, or other place where pharmaceutical care is provided by a pharmacist (1) where drugs, medicines, or poisons are dispensed, sold or offered for sale at retail, or displayed for sale at retail; or (2) where prescriptions of physicians, dentists, veterinarians, podiatrists, or therapeutically certified optometrists, within the limits of their licenses, are compounded, filled, or dispensed; or (3) which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the word or words "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore", "Medicine Store", "Prescriptions", "Drugs", "Medicines", or any word or words of similar or like import, either in the English language or any other language; or (4) where the characteristic prescription sign (Rx) or similar design is exhibited; or (5) any store, or shop, or other place with respect to which any of the above words, objects, signs or designs are used in any advertisement.

(b) "Drugs" means and includes (1) articles recognized in the official United States Pharmacopoeia/National Formulary (USP/NF), or any supplement thereto and being intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (2) all other articles intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (3) articles (other than food) having for their main use and intended to affect the structure or any function of the body of man or other animals; and (4) articles having for their main use and intended for use as a component or any articles specified in clause (1), (2) or (3); but does not include devices or their components, parts or accessories.

(c) "Medicines" means and includes all drugs intended for human or veterinary use approved by the United States Food and Drug Administration.

(d) "Practice of pharmacy" means the provision of pharmaceutical care to patients as determined by the pharmacist's professional judgment in the following areas, which may include but are not limited to (1) patient counseling, (2) interpretation and assisting in the monitoring of appropriate drug use and prospective drug utilization review, (3) providing information on the therapeutic values, reactions, drug interactions, side effects, uses, selection of medications and medical devices, and outcome of drug therapy, (4) participation in drug selection, drug monitoring, drug utilization review, evaluation, administration, interpretation, application of pharmacokinetic and laboratory data to design safe and effective drug regimens, (5) drug research (clinical and scientific), and (6) compounding and dispensing of drugs and medical devices.

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(e) "Prescription" means and includes any written, oral, facsimile, or electronically transmitted order for drugs or medical devices, issued by a physician licensed to practice medicine in all its branches, dentist, veterinarian, or podiatrist, or therapeutically certified optometrist, within the limits of their licenses, by a physician assistant in accordance with subsection (f) of Section 4, or by an advanced practice nurse in accordance with subsection (g) of Section 4, containing the following: (1) name of the patient; (2) date when prescription was issued; (3) name and strength of drug or description of the medical device prescribed; and (4) quantity, (5) directions for use, (6) prescriber's name, address and signature, and (7) DEA number where required, for controlled substances. DEA numbers shall not be required on inpatient drug orders.

(f) "Person" means and includes a natural person, copartnership, association, corporation, government entity, or any other legal entity.

(g) "Department" means the Department of Professional Regulation.

(h) "Board of Pharmacy" or "Board" means the State Board of Pharmacy of the Department of Professional Regulation.

(i) "Director" means the Director of Professional Regulation.

(j) "Drug product selection" means the interchange for a prescribed pharmaceutical product in accordance with Section 25 of this Act and Section 3.14 of the Illinois Food, Drug and Cosmetic Act.

(k) "Inpatient drug order" means an order issued by an authorized prescriber for a resident or patient of a facility licensed under the Nursing Home Care Act or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, or a facility which is operated by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or the Department of Corrections.

(k-5) "Pharmacist" means an individual currently licensed by this State to engage in the practice of pharmacy.

(l) "Pharmacist in charge" means the licensed pharmacist whose name appears on a pharmacy license and who is responsible for all aspects of the operation related to the practice of pharmacy.

(m) "Dispense" means the delivery of drugs and medical devices, in accordance with applicable State and federal laws and regulations, to the patient or the patient's representative authorized to receive these products, including the compounding, packaging, and labeling necessary for delivery, and any recommending or advising concerning the contents and therapeutic values and uses thereof. "Dispense" does not mean the physical delivery to a patient or a patient's representative in a home or institution by a designee of a pharmacist or by common carrier. "Dispense" also does not mean the physical delivery of a drug or medical device to a patient or patient's representative by a pharmacist's designee within a pharmacy or drugstore while the pharmacist is on duty and the pharmacy is open.

(n) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States, other than Illinois, that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(o) "Compounding" means the preparation, mixing, assembling, packaging, or labeling of a drug or medical device: (1) as the result of a practitioner's prescription drug order or initiative that is

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dispensed pursuant to a prescription in the course of professional practice; or (2) for the purpose of, or incident to, research, teaching, or chemical analysis; or (3) in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns.

(p) "Confidential information" means information, maintained by the pharmacist in the patient's records, released only (i) to the patient or, as the patient directs, to other practitioners and other pharmacists or (ii) to any other person authorized by law to receive the information.

(q) "Prospective drug review" or "drug utilization evaluation" means a screening for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), drug-food interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or misuse.

(r) "Patient counseling" means the communication between a pharmacist or a student pharmacist under the direct supervision of a pharmacist and a patient or the patient's representative about the patient's medication or device for the purpose of optimizing proper use of prescription medications or devices. The offer to counsel by the pharmacist or the pharmacist's designee, and subsequent patient counseling by the pharmacist or student pharmacist, shall be made in a face-to-face communication with the patient or patient's representative unless, in the professional judgment of the pharmacist, a face-to-face communication is deemed inappropriate or unnecessary. In that instance, the offer to counsel or patient counseling may be made in a written communication, by telephone, or in a manner determined by the pharmacist to be appropriate.

(s) "Patient profiles" or "patient drug therapy record" means the obtaining, recording, and maintenance of patient prescription and personal information.

(t) "Pharmaceutical care" includes, but is not limited to, the act of monitoring drug use and other patient care services intended to achieve outcomes that improve the patient's quality of life but shall not include the sale of over-the-counter drugs by a seller of goods and services who does not dispense prescription drugs.

(u) "Medical device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component part or accessory, required under federal law to bear the label "Caution: Federal law requires dispensing by or on the order of a physician". A seller of goods and services who, only for the purpose of retail sales, compounds, sells, rents, or leases medical devices shall not, by reasons thereof, be required to be a licensed pharmacy.

(v) "Unique identifier" means an electronic signature, handwritten signature or initials, thumb print, or other acceptable individual biometric or electronic identification process as approved by the Department.

(Source: P.A. 89-202, eff. 7-21-95; 89-507, eff. 7-1-97; 90-116, eff. 7-14-97; 90-253, eff. 7-29-97; 90-655, eff. 7-30-98; 90-742, eff. 8-13-98.)

(225 ILCS 85/10) (from Ch. 111, par. 4130)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10. State Board of Pharmacy. There is created in the Department the State Board of Pharmacy. It shall consist of 9 members, 7 of whom shall be licensed pharmacists. Each of those 7 members must be a licensed pharmacist in good standing in this State, a graduate of an accredited college of pharmacy or hold a Bachelor of

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Science degree in Pharmacy and have at least 5 years' practical experience in the practice of pharmacy subsequent to the date of his licensure as a licensed pharmacist in the State of Illinois. There shall be 2 public members, who shall be voting members, who shall not be licensed pharmacists in this State or any other state.

Each member shall be appointed by the Governor.

The terms of all members serving as of March 31, 1999 shall expire on that date. The Governor shall appoint 3 persons to serve one-year terms, 3 persons to serve 3-year terms, and 3 persons to serve 5-year terms to begin April 1, 1999. Otherwise, members shall be appointed to 5 year terms. No member shall be eligible to serve more than 12 consecutive years.

In making the appointment of members on the Board, the Governor shall give due consideration to recommendations by the members of the profession of pharmacy and by pharmaceutical organizations therein. The Governor shall notify the pharmaceutical organizations promptly of any vacancy of members on the Board and in appointing members shall give consideration to individuals engaged in all types and settings of pharmacy practice.

The Governor may remove any member of the Board for misconduct, incapacity or neglect of duty and he shall be the sole judge of the sufficiency of the cause for removal.

Every person appointed a member of the Board shall take and subscribe the constitutional oath of office and file it with the Secretary of State. Each member of the Board shall be reimbursed for such actual and legitimate expenses as he may incur in going to and from the place of meeting and remaining thereat during sessions of the Board. In addition, each member of the Board shall receive a per diem payment in an amount determined from time to time by the Director for attendance at meetings of the Board and conducting other official business of the Board.

The Board shall hold quarterly meetings and an annual meeting in January of each year and such other meetings at such times and places and upon such notice as the Board may determine and as its business may require. Five members of the Board shall constitute a quorum for the transaction of business. The Director shall appoint a pharmacy coordinator, who shall be someone other than a member of the Board. The pharmacy coordinator shall be a registered pharmacist in good standing in this State, shall be a graduate of an accredited college of pharmacy, or hold at a minimum a Bachelor of Science degree in Pharmacy and shall have at least 5 years' experience in the practice of pharmacy immediately prior to his appointment. The pharmacy coordinator shall be the executive administrator and the chief enforcement officer of the Pharmacy Practice Act of 1987.

The Board shall exercise the rights, powers and duties which have been vested in the Board under this Act, and any other duties conferred upon the Board by law.

The Director shall, in conformity with the Personnel Code, employ not less than 7 pharmacy investigators and 2 pharmacy supervisors. Each pharmacy investigator and each supervisor shall be a registered pharmacist in good standing in this State, and shall be a graduate of an accredited college of pharmacy and have at least 5 years of experience in the practice of pharmacy. The Department shall also employ at least one attorney who is a pharmacist to prosecute violations of this Act and its rules. The Department may, in conformity with the Personnel Code, employ such clerical and other employees as are necessary to carry out the duties of the Board.

The duly authorized pharmacy investigators of the Department shall have the right to enter and inspect during business hours any pharmacy or any other place in the State of Illinois holding itself

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out to be a pharmacy where medicines or drugs or drug products or proprietary medicines are sold, offered for sale, exposed for sale, or kept for sale. The pharmacy investigators shall be the only Department investigators authorized to inspect, investigate, and monitor probation compliance of pharmacists, and pharmacies, and pharmacy technicians.

(Source: P.A. 91-827, eff. 6-13-00; 92-651, eff. 7-11-02.)

(225 ILCS 85/14) (from Ch. 111, par. 4134)

(Section scheduled to be repealed on January 1, 2008)

Sec. 14. Structural and equipment requirements. No person shall establish or move to a new location any pharmacy unless the pharmacy is licensed with the Department and has on file with the Department a verified statement that:

(1) such pharmacy is or will be engaged in the practice of pharmacy; and

(2) such pharmacy will have in stock and shall maintain sufficient drugs or and materials as to protect the public it serves within 30 days after the issuance of the registration of the pharmacy.

Division I, II, III, IV, or V pharmacies shall be in a suitable, well-lighted and well-ventilated area with at least 300 square feet of clean and sanitary contiguous space and shall be suitably equipped for compounding prescriptions, storage of drugs and sale of drugs and to otherwise conduct the practice of pharmacy. The space occupied shall be equipped with a sink with hot and cold water or facilities for heating water, proper sewage outlet, refrigeration storage equipment, and such fixtures, facilities, drugs, equipment and material, which shall include the current editions of the United States Pharmacopoeia/DI, Facts and Comparisons, or any other current compendium approved by the Department, and other such reference works, as will enable a pharmacist to practice pharmacy, including this Act and the rules promulgated under this Act. Such pharmacy shall have the following items: accurate weights of 0.5 gr. to 4 oz. and 20 mg to 100 Gm; and a prescription balance equipped with balance indicator and with mechanical means of arresting the oscillations of the mechanism and which balance shall be sensitive to 0.5 grain (32 mg) or less or an alternative weighing device as approved by the Department, and such other measuring devices as may be necessary for the conduct of the practice of pharmacy.

The provisions of this Section with regard to 300 square feet of space shall apply to any pharmacy which is opened after the effective date of this Act. Nothing shall require a pharmacy in existence on the effective date of this Act which is comprised of less than 300 square feet to provide additional space to meet these requirements.

(Source: P.A. 90-253, eff. 7-29-97.)

(225 ILCS 85/15) (from Ch. 111, par. 4135)

(Section scheduled to be repealed on January 1, 2008)

Sec. 15. Pharmacy requirements. It shall be unlawful for the owner of any pharmacy, as defined in this Act, to operate or conduct the same, or to allow the same to be operated or conducted, unless:

(a) It has a licensed pharmacist, authorized to practice pharmacy in this State under the provisions of this Act, on duty whenever the practice of pharmacy is conducted;

(b) Security provisions for all drugs and devices, as determined by rule of the Department, are provided during the absence from the licensed pharmacy of all licensed pharmacists. Maintenance of security provisions is the responsibility of the licensed registered pharmacist in charge; and

(c) The pharmacy is licensed under this Act to do business.

The Department shall, by rule, provide requirements for each

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division of pharmacy license and shall, as well provide guidelines for the designation of a registered pharmacist in charge for each division.

Division I. Retail Licenses for pharmacies which are open to, or offer pharmacy services to, the general public.

Division II. Licenses for pharmacies whose primary pharmacy service is provided to patients or residents of facilities licensed under the Nursing Home Care Act or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, and which are not located in the facilities they serve.

Division III. Licenses for pharmacies which are located in a facility licensed under the Nursing Home Care Act or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, or a facility which is operated by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or the Department of Corrections, and which provide pharmacy services to residents or patients of the facility, as well as employees, prescribers and students of the facility.

Division IV. Licenses for pharmacies which provide or offer for sale radioactive materials.

Division V. Licenses for pharmacies which hold licenses in Division II or Division III which also provide pharmacy services to the general public, or pharmacies which are located in or whose primary pharmacy service is to ambulatory care facilities or schools of veterinary medicine or other such institution or facility.

The Director may waive the requirement for a pharmacist to be on duty at all times for State facilities not treating human ailments.

It shall be unlawful for any person, who is not a licensed pharmacy or health care facility, to purport to be such or to use in name, title, or sign designating, or in connection with that place of business, any of the words: "pharmacy", "pharmacist", "pharmacy department", "apothecary", "druggist", "drug", "drugs", "medicines", "medicine store", "drug sundries", "prescriptions filled", or any list of words indicating that drugs are compounded or sold to the lay public, or prescriptions are dispensed therein. Each day during which, or a part which, such representation is made or appears or such a sign is allowed to remain upon or in such a place of business shall constitute a separate offense under this Act.

The holder of any license or certificate of registration shall conspicuously display it in the pharmacy in which he is engaged in the practice of pharmacy. The registered pharmacist in charge shall conspicuously display his name in such pharmacy. The pharmacy license shall also be conspicuously displayed.

(Source: P.A. 89-507, eff. 7-1-97; 90-253, eff. 7-29-97.)

(225 ILCS 85/17.1 new)

(Section scheduled to be repealed on January 1, 2008)

Sec. 17.1. Pharmacy technician training.

(a) Beginning January 1, 2004, it shall be the joint responsibility of a pharmacy and its pharmacist in charge to have trained all of its pharmacy technicians or obtain proof of prior training in all of the following topics as they relate to the practice site:

(1) The duties and responsibilities of the technicians and pharmacists.

(2) Tasks and technical skills, policies, and procedures.

(3) Compounding, packaging, labeling, and storage.

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(4) Pharmaceutical and medical terminology.

(5) Record keeping requirements.

(6) The ability to perform and apply arithmetic calculations.

(b) Within 6 months after initial employment or changing the duties and responsibilities of a pharmacy technician, it shall be the joint responsibility of the pharmacy and the pharmacist in charge to train the pharmacy technician or obtain proof of prior training in the areas listed in subsection (a) of this Section as they relate to the practice site.

(c) All divisions of pharmacies shall maintain an up-to-date training program describing the duties and responsibilities of a pharmacy technician.

(d) All divisions of pharmacies shall create and maintain retrievable records of training or proof of training as required in this Section.

(225 ILCS 85/18) (from Ch. 111, par. 4138)

(Section scheduled to be repealed on January 1, 2008)

Sec. 18. Record retention. There shall be kept in every drugstore or pharmacy a suitable book, file, or electronic record keeping system in which shall be preserved for a period of not less than 5 years the original of every written prescription and the original transcript or copy of every verbal prescription filled, compounded, or dispensed, in such pharmacy; and such book or file of prescriptions shall at all reasonable times be open to inspection to the pharmacy coordinator and the duly authorized agents or employees of the Department.

Every prescription filled or refilled shall contain the unique identifier of the person authorized to practice pharmacy under the provision of this Act who fills or refills the prescription.

Records kept pursuant to this Section may be maintained in an alternative data retention system, such as a direct digital imaging system, provided that:

(1) the records maintained in the alternative data retention system contain all of the information required in a manual record;

(2) the data processing system is capable of producing a hard copy of the electronic record on the request of the Board, its representative, or other authorized local, State, or federal law enforcement or regulatory agency; and

(3) the digital images are recorded and stored only by means of a technology that does not allow subsequent revision or replacement of the images.

As used in this Section, "digital imaging system" means a system, including people, machines, methods of organization, and procedures, that provides input, storage, processing, communications, output, and control functions for digitized representations of original prescription records.

Inpatient drug orders may be maintained within an institution in a manner approved by the Department.

(Source: P.A. 90-253, eff. 7-29-97.)

(225 ILCS 85/19) (from Ch. 111, par. 4139)

(Section scheduled to be repealed on January 1, 2008)

Sec. 19. Nothing contained in this Act shall be construed to prohibit a pharmacist licensed in this State from filling or refilling a valid prescription for prescription drugs which is on file in a pharmacy licensed in any state and has been transferred from one pharmacy to another by any means, including by way of electronic data processing equipment upon the following conditions and exceptions:

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(1) Prior to dispensing pursuant to any such prescription, the dispensing pharmacist shall:

(a) Advise the patient that the prescription on file at such other pharmacy must be canceled before he will be able to fill or refill it.

(b) Determine that the prescription is valid and on file at such other pharmacy and that such prescription may be filled or refilled, as requested, in accordance with the prescriber's intent expressed on such prescription.

(c) Notify the pharmacy where the prescription is on file that the prescription must be canceled.

(d) Record in writing the prescription order, the name of the pharmacy at which the prescription was on file, the prescription number, the name of the drug and the original amount dispensed, the date of original dispensing, and the number of remaining authorized refills.

(e) Obtain the consent of the prescriber to the refilling of the prescription when the prescription, in the professional judgment of the dispensing pharmacist, so requires. ~~Any interference with the professional judgment of the dispensing pharmacist by any other registered pharmacist, his agents, or employees shall be grounds for revocation or suspension of the permit issued to the pharmacy.~~

(2) Upon receipt of a request for prescription information set forth in subparagraph (d) of paragraph (1) of this Section, if the requested pharmacist is satisfied in his professional judgment that such request is valid and legal, the requested pharmacist shall:

(a) Provide such information accurately and completely.

(b) Record on the face of the prescription the name of the requesting pharmacy and pharmacist and the date of request.

(c) Cancel the prescription on file by writing the word "void" on its face. No further prescription information shall be given or medication dispensed pursuant to such original prescription.

(3) In the event that, after the information set forth in subparagraph (d) of paragraph (1) of this Section has been provided, a prescription is not dispensed by the requesting pharmacist, then such pharmacist shall provide notice of this fact to the pharmacy from which such information was obtained; such notice shall then cancel the prescription in the same manner as set forth in subparagraph (c) of paragraph (2) of this Section.

(4) When filling or refilling a valid prescription on file in another state, the dispensing pharmacist shall be required to follow all the requirements of Illinois law which apply to the dispensing of prescription drugs. If anything in Illinois law prevents the filling or refilling of the original prescription it shall be unlawful to dispense pursuant to this Section.

(5) Prescriptions for drugs in Schedules III, IV, and V of the Illinois Controlled Substances Act may be transferred only once and may not be further transferred.

(Source: P.A. 88-428.)

(225 ILCS 85/22) (from Ch. 111, par. 4142)

(Section scheduled to be repealed on January 1, 2008)

Sec. 22. Except only in the case of a drug, medicine or poison which is lawfully sold or dispensed, at retail, in the original and unbroken package of the manufacturer, packer, or distributor thereof, and which package bears the original label thereon showing the name and address of the manufacturer, packer, or distributor thereof, and the name of the drug, medicine, or poison therein contained, and the directions for its use, no person shall sell or dispense, at retail,

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any drug, medicine, or poison, without affixing to the box, bottle, vessel, or package containing the same, a label bearing the name of the article distinctly shown, and the directions for its use, with the name and address of the pharmacy wherein the same is sold or dispensed. However, in the case of a drug, medicine, or poison which is sold or dispensed pursuant to a prescription of a physician licensed to practice medicine in all of its branches, licensed dentist, licensed veterinarian, licensed podiatrist, or therapeutically or diagnostically certified optometrist authorized by law to prescribe drugs or medicines or poisons, the label affixed to the box, bottle, vessel, or package containing the same shall show: (a) the name and address of the pharmacy wherein the same is sold or dispensed; (b) the name or initials of the person, authorized to practice pharmacy under the provisions of this Act, selling or dispensing the same, (c) the date on which such prescription was filled; (d) the name of the patient; (e) the serial number of such prescription as filed in the prescription files; (f) the last name of the practitioner who prescribed such prescriptions; (g) the directions for use thereof as contained in such prescription; and (h) the proprietary name or names or the established name or names of the drugs, the dosage and quantity, except as otherwise authorized by regulation of the Department. ~~Any person who sells or dispenses any drug, medicine or poison shall sell or dispense such drug, medicine or poison in good faith. "Good faith" for purposes of this Section, has the meaning ascribed to it in subsection (u) of Section 102 of the Illinois Controlled Substances Act, approved August 16, 1971, as amended.~~ The Department shall establish rules governing labeling in Division II and Division III pharmacies.

(Source: P.A. 90-253, eff. 7-29-97.)

(225 ILCS 85/27) (from Ch. 111, par. 4147)

(Section scheduled to be repealed on January 1, 2008)

Sec. 27. Fees. The following fees are not refundable.

(A) Certificate of pharmacy technician.

(1) The fee for application for a certificate of registration as a pharmacy technician is \$40.

(2) The fee for the renewal of a certificate of registration as a pharmacy technician shall be calculated at the rate of \$25 per year.

(B) License as a pharmacist.

(1) The fee for application for a license is \$75.

(2) In addition, applicants for any examination as a registered pharmacist shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(3) The fee for a license as a registered pharmacist registered or licensed under the laws of another state or territory of the United States is \$200.

(4) The fee upon the renewal of a license shall be calculated at the rate of \$75 per year.

(5) The fee for the restoration of a certificate other than from inactive status is \$10 plus all lapsed renewal fees.

(6) Applicants for the preliminary diagnostic examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the

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examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(7) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fee charged by the applicable testing service.

(C) License as a pharmacy.

(1) The fee for application for a license for a pharmacy under this Act is \$100.

(2) The fee for the renewal of a license for a pharmacy under this Act shall be calculated at the rate of \$100 per year.

(3) The fee for the change of a pharmacist-in-charge is \$25.

(D) General Fees.

(1) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate certification is issued.

(2) The fee for a certification of a registrant's record for any purpose is \$20.

(3) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20.

(4) The fee for a wall certificate showing licensure or registration shall be the actual cost of producing the certificate.

(5) The fee for a roster of persons registered as pharmacists or registered pharmacies in this State shall be the actual cost of producing the roster.

(6) The fee for pharmacy licensing, disciplinary or investigative records obtained pursuant to a subpoena is \$1 per page.

(E) Except as provided in subsection (F), all moneys received by the Department under this Act shall be deposited in the Illinois State Pharmacy Disciplinary Fund hereby created in the State Treasury and shall be used only for the following purposes: (a) by the State Board of Pharmacy in the exercise of its powers and performance of its duties, as such use is made by the Department upon the recommendations of the State Board of Pharmacy, (b) for costs directly related to license renewal of persons licensed under this Act, and (c) for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation.

Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

The moneys deposited in the Illinois State Pharmacy Disciplinary Fund shall be invested to earn interest which shall accrue to the Fund. The Department shall present to the Board for its review and comment all appropriation requests from the Illinois State Pharmacy Disciplinary Fund. The Department shall give due consideration to any comments of the Board in making appropriation requests.

(F) From the money received for license renewal fees, \$5 from each pharmacist fee, and \$2.50 from each pharmacy technician fee, shall be set aside within the Illinois State Pharmacy Disciplinary Fund for the purpose of supporting a substance abuse program for pharmacists and pharmacy technicians. The State Board of Pharmacy shall, pursuant to all provisions of the Illinois Procurement Code,

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determine how and to whom the money set aside under this subsection is disbursed.

(G) (Blank).

(Source: P.A. 90-372, eff. 7-1-98; 91-239, eff. 1-1-00.)

(225 ILCS 85/30) (from Ch. 111, par. 4150)

(Section scheduled to be repealed on January 1, 2008)

Sec. 30. (a) In accordance with Section 11 of this Act, the Department may refuse to issue, restore, or renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper with regard to any license or certificate of registration for any one or combination of the following causes:

1. Material misstatement in furnishing information to the Department.
2. Violations of this Act, or the rules promulgated hereunder.
3. Making any misrepresentation for the purpose of obtaining licenses.
4. A pattern of conduct which demonstrates incompetence or unfitness to practice.
5. Aiding or assisting another person in violating any provision of this Act or rules.
6. Failing, within 60 days, to respond to a written request made by the Department for information.
7. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.
8. Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.
9. Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered.
10. A finding by the Department that the licensee, after having his license placed on probationary status has violated the terms of probation.
11. Selling or engaging in the sale of drug samples provided at no cost by drug manufacturers.
12. Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill which results in the inability to practice the profession with reasonable judgment, skill or safety.
13. A finding that licensure or registration has been applied for or obtained by fraudulent means.
14. The applicant, or licensee has been convicted in state or federal court of any crime which is a felony or any misdemeanor related to the practice of pharmacy, of which an essential element is dishonesty.
15. Habitual or excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill or safety.
16. Willfully making or filing false records or reports in the practice of pharmacy, including, but not limited to false records to support claims against the medical assistance program of the Department of Public Aid under the Public Aid Code.
17. Gross and willful overcharging for professional services including filing false statements for collection of fees for which services are not rendered, including, but not limited

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to, filing false statements for collection of monies for services not rendered from the medical assistance program of the Department of Public Aid under the Public Aid Code.

18. Repetitiously dispensing prescription drugs without receiving a written or oral prescription.

19. Upon a finding of a substantial discrepancy in a Department audit of a prescription drug, including controlled substances, as that term is defined in this Act or in the Illinois Controlled Substances Act.

20. Physical illness which results in the inability to practice with reasonable judgment, skill or safety, or mental incompetency as declared by a court of competent jurisdiction.

21. Violation of the Health Care Worker Self-Referral Act.

22. Failing to sell or dispense any drug, medicine, or poison in good faith. "Good faith", for the purposes of this Section, has the meaning ascribed to it in subsection (u) of Section 102 of the Illinois Controlled Substances Act.

23. Interfering with the professional judgment of a pharmacist by any registrant under this Act, or his or her agents or employees.

(b) The Department may refuse to issue or may suspend the license or registration of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(c) The Department shall revoke the license or certificate of registration issued under the provisions of this Act or any prior Act of this State of any person who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act, or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or certificate of registration issued under the provisions of this Act or any prior Act of this State is revoked under this subsection (c) shall be prohibited from engaging in the practice of pharmacy in this State.

(d) In any order issued in resolution of a disciplinary proceeding, the Board may request any licensee found guilty of a charge involving a significant violation of subsection (a) of Section 5, or paragraph 19 of Section 30 as it pertains to controlled substances, to pay to the Department a fine not to exceed \$2,000.

(e) In any order issued in resolution of a disciplinary proceeding, in addition to any other disciplinary action, the Board may request any licensee found guilty of noncompliance with the continuing education requirements of Section 12 to pay the Department a fine not to exceed \$1000.

(f) The Department shall issue quarterly to the Board a status of all complaints related to the profession received by the Department.

(Source: P.A. 86-596; 86-1434; 86-1472; 87-1207.)".

The motion prevailed and the amendment was adopted and ordered printed.

Senator Noland offered the following amendment and moved its adoption:

#### AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 2463, AS AMENDED, in Section 5, Sec. 14, item (2), by replacing "or and" with "and".

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The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 2463, as amended, was returned to the order of third reading.

On motion of Senator O'Malley, House Bill No. 2742 was recalled from the order of third reading to the order of second reading.

Senator O'Malley offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2742, on page 2, line 1, by replacing "2002" with "2003".

The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 2742, as amended, was returned to the order of third reading.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Syverson, House Bill No. 3797 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Brady  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan  
Mahar  
Munoz  
Myers  
Noland  
Obama

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O'Daniel  
 O'Malley  
 O'Shea  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Roskam  
 Rupley  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Stone  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

#### HOUSE BILL RECALLED

On motion of Senator Philip, House Bill No. 4047 was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was tabled pursuant to Senate Rule 5-4a.

Floor Amendment No. 2 was held in the Committee on Rules.

Senator Philip offered the following amendment and moved its adoption:

#### AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 4047 by replacing the title with the following:

"AN ACT in relation to criminal law."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Identification Act is amended by changing Section 3 as follows:

(20 ILCS 2630/3) (from Ch. 38, par. 206-3)

Sec. 3. Information to be furnished peace officers and commanding officers of certain military installations in Illinois.

(A) The Department shall file or cause to be filed all plates, photographs, outline pictures, measurements, descriptions and information which shall be received by it by virtue of its office and shall make a complete and systematic record and index of the same, providing thereby a method of convenient reference and comparison. The Department shall furnish, upon application, all information pertaining to the identification of any person or persons, a plate, photograph, outline picture, description, measurements, or any data

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of which there is a record in its office. Such information shall be furnished to peace officers of the United States, of other states or territories, of the Insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois, to investigators of the Illinois Law Enforcement Training Standards Board and, conviction information only, to units of local government, school districts and private organizations, under the provisions of Section 2605-10, 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115, 2605-120, 2605-130, 2605-140, 2605-190, 2605-200, 2605-205, 2605-210, 2605-215, 2605-250, 2605-275, 2605-300, 2605-305, 2605-315, 2605-325, 2605-335, 2605-340, 2605-350, 2605-355, 2605-360, 2605-365, 2605-375, 2605-390, 2605-400, 2605-405, 2605-420, 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the Department of State Police Law (20 ILCS 2605/2605-10, 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105, 2605/2605-110, 2605/2605-115, 2605/2605-120, 2605/2605-130, 2605/2605-140, 2605/2605-190, 2605/2605-200, 2605/2605-205, 2605/2605-210, 2605/2605-215, 2605/2605-250, 2605/2605-275, 2605/2605-300, 2605/2605-305, 2605/2605-315, 2605/2605-325, 2605/2605-335, 2605/2605-340, 2605/2605-350, 2605/2605-355, 2605/2605-360, 2605/2605-365, 2605/2605-375, 2605/2605-390, 2605/2605-400, 2605/2605-405, 2605/2605-420, 2605/2605-430, 2605/2605-435, 2605/2605-500, 2605/2605-525, or 2605/2605-550). Applications shall be in writing and accompanied by a certificate, signed by the peace officer or chief administrative officer or his designee making such application, to the effect that the information applied for is necessary in the interest of and will be used solely in the due administration of the criminal laws or for the purpose of evaluating the qualifications and character of employees, prospective employees, volunteers, or prospective volunteers of units of local government, school districts, and private organizations.

For the purposes of this subsection, "chief administrative officer" is defined as follows:

- a) The city manager of a city or, if a city does not employ a city manager, the mayor of the city.
- b) The manager of a village or, if a village does not employ a manager, the president of the village.
- c) The chairman or president of a county board or, if a county has adopted the county executive form of government, the chief executive officer of the county.
- d) The president of the school board of a school district.
- e) The supervisor of a township.
- f) The official granted general administrative control of a special district, an authority, or organization of government establishment by law which may issue obligations and which either may levy a property tax or may expend funds of the district, authority, or organization independently of any parent unit of government.
- g) The executive officer granted general administrative control of a private organization defined in Section 2605-335 of the Department of State Police Law (20 ILCS 2605/2605-335).

(B) Upon written application and payment of fees authorized by this subsection, State agencies and units of local government, not including school districts and units of the Illinois National Guard, are authorized to submit fingerprints of employees, prospective employees and license applicants to the Department for the purpose of obtaining conviction information maintained by the Department and the Federal Bureau of Investigation about such persons. The Department shall submit such fingerprints to the Federal Bureau of Investigation on behalf of such agencies and units of local government. The

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Department shall charge an application fee, based on actual costs, for the dissemination of conviction information pursuant to this subsection. The Department is empowered to establish this fee and shall prescribe the form and manner for requesting and furnishing conviction information pursuant to this subsection.

(C) Upon payment of fees authorized by this subsection, the Department shall furnish to the commanding officer of a military installation in Illinois having an arms storage facility, upon written request of such commanding officer or his designee, and in the form and manner prescribed by the Department, all criminal history record information pertaining to any individual seeking access to such a storage facility, where such information is sought pursuant to a federally-mandated security or criminal history check.

The Department shall establish and charge a fee, not to exceed actual costs, for providing information pursuant to this subsection, except that no fee shall be charged to units of the Illinois National Guard.

(Source: P.A. 91-176, eff. 7-16-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 4047, as amended, was returned to the order of third reading.

#### READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Syverson, House Bill No. 5222 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 52; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Brady  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Lauzen  
Lightford

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Link  
 Luechtefeld  
 Madigan  
 Mahar  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 O'Shea  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Roskam  
 Rupley  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Stone  
 Syverson  
 Trotter  
 Viverito  
 Walsh  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

MESSAGE FROM THE GOVERNOR

Message for the Governor by Michael P. Madigan  
 Director of Legislative Affairs

November 21, 2002

Mr. President,

The Governor directs me to lay before the Senate the following Message:

STATE OF ILLINOIS  
 EXECUTIVE DEPARTMENT

To the Honorable  
 Members of the Senate  
 Illinois General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and

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confirmation of these appointments of your Honorable body.

CHICAGO TRANSIT AUTHORITY

To be a member of the Chicago Transit Authority for a term commencing December 2, 2002, and ending September 1, 2009:

Cynthia A. Panayotovich of Lansing  
Salaried

COURT OF CLAIMS

To be a member of the Court of Claims for a term ending January 16, 2006:

Zack Stamp of New Berlin  
Salaried

CURATOR OF THE EXECUTIVE MANSION

To be the Curator of the Executive Mansion beginning January 1, 2003, for an unspecified term length:

David H. Bourland of Springfield  
Salaried

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

To be the Inspector General in the Department of Children and Family Services for a term ending June 1, 2005:

Denise Kane of Chicago  
Salaried

DEPARTMENT OF PROFESSIONAL REGULATION

To be the Director of the Department of Professional Regulation for a term ending January 20, 2003:

Aurelia Pucinski of Chicago  
Salaried

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

To be the Chairman of the Illinois Educational Labor Relations Board for a term ending December 21, 2002:

Michael J. Gavin of Joliet  
Salaried

To be a member of the Illinois Educational Labor Relations Board for a term commencing January 12, 2003, and ending February 1, 2004:

Joseph P. Hannon of Chicago  
Salaried

To be a member of the Illinois Educational Labor

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Relations Board for a term commencing January 9, 2003, and ending July 1, 2004:

Laura Kent Donahue of Quincy  
Salaried

ILLINOIS INTERNATIONAL PORT DISTRICT BOARD

To be a member of the Illinois International Port District Board for a term ending June 1, 2007:

William F. Murphy of Woodridge  
Salaried

ILLINOIS LABOR RELATIONS BOARD; LOCAL PANEL

To be a member, and Chairman, of the Illinois Labor Relations Board; Local Panel for a term commencing November 21, 2002, ending January 24, 2005:

Pam McDonough of Springfield  
Salaried

ILLINOIS LABOR RELATIONS BOARD; STATE PANEL

To be a member of the Illinois Labor Relations Board; State Panel for a term commencing December 3, 2002, and ending January 27, 2003:

Thaddeus S. Lechowicz of Chicago  
Salaried

To be members of the Illinois Labor Relations Board; State Panel for terms ending January 23, 2006:

Debra M. Lounsberry of Pawnee  
Salaried

Thomas J. Walsh of LaGrange Park  
Salaried

To be a member of the Illinois Labor Relations Board; State Panel for a term commencing January 1, 2003, and ending January 23, 2006:

Michael P. Madigan of Springfield  
Salaried

ILLINOIS LIQUOR CONTROL COMMISSION

To be a member of the Illinois Liquor Control Commission for a term commencing January 1, 2003, and ending February 1, 2008:

Stephen B. Schnorf of Springfield  
Salaried

ILLINOIS TOLL HIGHWAY AUTHORITY

To be a member of the Illinois Toll Highway Authority

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for a term ending May 1, 2005:

Carl O. Towns of Rockford  
Salaried

INDUSTRIAL COMMISSION

To be a member of the Industrial Commission for a term ending December 31, 2002:

Paul W. Rink of Chicago  
Salaried

To be a member of the Industrial Commission for a term commencing January 1, 2003, and ending January 17, 2005:

Diane Ford of New Berlin  
Salaried

OFFICE OF BANKS & REAL ESTATE

To be a Deputy Commissioner of the Office of Banks & Real Estate for a term commencing January 1, 2003, and ending January 31, 2004:

Anne Zickus of Palos Hills  
Salaried

PRISONER REVIEW BOARD

To be a member of the Prisoner Review Board for a term ending January 16, 2006:

David A. Frier of Springfield  
Salaried

To be a member of the Prisoner Review Board for a term commencing January 1, 2003, and ending January 15, 2007:

Mark R. Warnsing of Divernon  
Salaried

PROPERTY TAX APPEAL BOARD

To be a member of the Property Tax Appeal Board for a term commencing December 1, 2002, and ending January 20, 2003:

Orlando G. Jones, Sr. of Chicago  
Salaried

ADVISORY BOARD TO THE DEPARTMENT OF NATURAL RESOURCES

To be a member of the Advisory Board to the Department of Natural Resources for a term ending January 17, 2005:

Lawrence R. Lucas of Glenview  
Non-Salaried

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To be a member of the Advisory Board to the Department of Natural Resources for a term ending January 15, 2007:

George H. Ryan, Jr. of Bourbonnais  
Non-Salaried

BI-STATE DEVELOPMENT AGENCY

To be a member of the Bi-State Development Agency for a term ending January 15, 2007:

David Tanzyus of Collinsville  
Non-Salaried

BOARD OF HIGHER EDUCATION

To be a member of the Board of Higher Education for a term ending January 31, 2003:

Lee H. Walker of Burr Ridge  
Non-Salaried

BOARD OF TRUSTEES UNIVERSITY OF ILLINOIS

To be a member of the University of Illinois Board of Trustees for a term commencing January 1, 2003, and ending January 10, 2005:

Thomas R. Lamont of Springfield  
Non-Salaried

CAPITAL DEVELOPMENT BOARD

To be a member of the Capital Development Board for a term ending January 16, 2006:

Glyn Ramage of Dupo  
Non-Salaried

DEPARTMENT OF LABOR ADVISORY BOARD

To be members of the Department of Labor Advisory Board for terms ending January 19, 2004:

James P. Bruner of Jacksonville  
Non-Salaried

David A. De Young of Orland Park  
Non-Salaried

Dennis J. Gannon of Orland Park  
Non-Salaried

David H. Lorig of Chicago  
Non-Salaried

Michael P. O'Neill of Palos Park  
Non-Salaried

Hedy M. Ratner of Chicago

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Non-Salaried

Edward M. Smith of Olive Branch  
Non-Salaried

EAST ST. LOUIS FINANCIAL ADVISORY AUTHORITY

To be members of the East St. Louis Financial Advisory  
Authority for terms ending August 30, 2005:

Otis Cowan of Edwardsville  
Non-Salaried

Anthony R. Grant of Oak Park  
Non-Salaried

Jacqueline R. Settles of East St. Louis  
Non-Salaried

EMPLOYMENT SECURITY ADVISORY BOARD

To be a member of the Employment Security Advisory Board  
for a term ending January 20, 2003:

Douglas L. Whitley of Batavia  
Non-Salaried

GUARDIANSHIP & ADVOCACY COMMISSION

To be a member of the Guardianship & Advocacy Commission  
for a term ending June 30, 2005:

Todd Sieben of Geneseo  
Non-Salaried

HAVANA REGIONAL PORT DISTRICT BOARD

To be a member of the Havana Regional Port District  
Board for a term ending July 1, 2004:

Murray K. Johnson of Havana  
Non-Salaried

To be a member of the Havana Regional Port District  
Board for a term ending July 1, 2005:

Merle F. Tarvin of Havana  
Non-Salaried

HEALTH FACILITIES PLANNING BOARD

To be members of the Health Facilities Planning Board  
for terms ending June 30, 2004:

Thomas P. Beck of Glenview  
Non-Salaried

Fred P. Benjamin of Glencoe  
Non-Salaried

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William J. Marshall of Plainfield  
Non-Salaried

Julie Root of Champaign  
Non-Salaried

Joyce Washington of Chicago  
Non-Salaried

To be members of the Health Facilities Planning  
Board for terms ending June 30, 2005:

Philip C. Bradley of Springfield  
Non-Salaried

Barbara Jo Johnson of Park Ridge  
Non-Salaried

Dennis C. Millirons of Kankakee  
Non-Salaried

Clarence Nagelvoort of Chicago  
Non-Salaried

To be a member of the Health Facilities Planning Board  
for a term commencing January 1, 2003, and ending  
June 30, 2005:

Debra M. Lounsberry of Pawnee  
Non-Salaried

HUMAN RESOURCE INVESTMENT COUNCIL / WORKFORCE INVESTMENT BOARD

To be members of the Human Resource Investment Council /  
Workforce Investment Board for terms ending July 1, 2003:

Joseph R. Angleton of DuQuoin  
Non-Salaried

Dianna Barron of Collinsville  
Non-Salaried

Irwin A. Bock of Hanover Park  
Non-Salaried

Jim Bush of Palos Heights  
Non-Salaried

Daniel Cosgrove of Springfield  
Non-Salaried

Jo Ann Eckmann of Libertyville  
Non-Salaried

Jacqueline C. Edens of Chicago  
Non-Salaried

Christopher E. Glynn of Morton  
Non-Salaried

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Sharon Knotts Green of Barrington  
Non-Salaried

Zeleva Harris of Champaign  
Non-Salaried

Ginnie Hartman of Mounds  
Non-Salaried

Anne Irving of Chicago  
Non-Salaried

Hazel A. King of Chicago  
Non-Salaried

Anne Ladky of Chicago  
Non-Salaried

Robert K. Luther of Charleston  
Non-Salaried

Ronald C. Morehead of Normal  
Non-Salaried

Donald L. Shewmake, Jr. of Plainfield  
Non-Salaried

Wayne D. Watson of Chicago  
Non-Salaried

To be members of the Human Resource Investment Council /  
Workforce Investment Board for terms ending July 1, 2004:

Bert J. Docter of South Holland  
Non-Salaried

Julie Hamos of Evanston  
Non-Salaried

Kathryn A. Havens of Bloomington  
Non-Salaried

John B. Hudson of Springfield  
Non-Salaried

Nancy L. Kroll of DeKalb  
Non-Salaried

Brooks L. Lockhart of Chicago  
Non-Salaried

Earl S. Moldovan of East Peoria  
Non-Salaried

Rosemary Mulligan of Des Plaines  
Non-Salaried

Michael L. Nylen of South Holland  
Non-Salaried

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Barbara D. Oilschlager of Grayslake  
Non-Salaried

Janet Payne of Westville  
Non-Salaried

Anthony Perry of Bourbonnais  
Non-Salaried

John D. Rico of Chicago  
Non-Salaried

Blanche Shoup of Galesburg  
Non-Salaried

Charles O. Stewart of Moline  
Non-Salaried

Gregory W. Sutton of North Aurora  
Non-Salaried

Janette Weatherall of Springfield  
Non-Salaried

Douglas L. Whitley of Batavia  
Non-Salaried

Paula Wolff of Chicago  
Non-Salaried

ILLINOIS BUILDING COMMISSION

To be a member of the Illinois Building Commission  
for a term ending May 1, 2003:

Steven F. Wydeveld of Manhattan  
Non-Salaried

To be members of the Illinois Building Commission for  
terms ending May 1, 2004:

Bruce S. Bonczyk of Springfield  
Non-Salaried

Bonnie B. Henry of Rockford  
Non-Salaried

Robert L. Juris of New Lenox  
Non-Salaried

Gary A. Lichthardt of Elgin  
Non-Salaried

Roy H. Velde of Morrison  
Non-Salaried

ILLINOIS COAL DEVELOPMENT BOARD

To be members of the Illinois Coal Development Board  
for terms ending July 1, 2005:

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Joseph R. Angleton of DuQuoin  
Non-Salaried

Carolyn J. Ehlert of Milan  
Non-Salaried

Phillip M. Gonet of Springfield  
Non-Salaried

George "Joe" Pearson of Harrisburg  
Non-Salaried

ILLINOIS COMMITTEE FOR AGRICULTURAL EDUCATION

To be a member of the Illinois Committee for Agricultural  
Education for a term ending March 13, 2003:

Ruth Hambleton of Woodlawn  
Non-Salaried

To be a member of the Illinois Committee for  
Agricultural Education for a term ending March 13,  
2004:

Michael E. Massie of Dahinda  
Non-Salaried

To be members of the Illinois Committee for Agricultural  
Education for terms ending March 13, 2005:

Jill Carey-Hargrave of Kingston  
Non-Salaried

Lisa M. Martin of Pontiac  
Non-Salaried

Nelson I. Thorp of Wapella  
Non-Salaried

Jeffrey A. Wood of Downs  
Non-Salaried

ILLINOIS COMMUNITY COLLEGE BOARD

To be a member of the Illinois Community College Board  
for a term ending June 30, 2007:

A. James Berkel of Dahinda  
Non-Salaried

ILLINOIS COMPREHENSIVE HEALTH INSURANCE PLAN

To be a member of the Illinois Comprehensive Health  
Insurance Plan for a term ending July 1, 2003:

Steve W. Kinion of Springfield  
Non-Salaried

To be members of the Illinois Comprehensive Health  
Insurance Plan for terms ending July 1, 2004:

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James M. Meyer of Naperville  
Non-Salaried

Jay R. Naftzger of Naperville  
Non-Salaried

To be members of the Illinois Comprehensive Health  
Insurance Plan for terms ending July 1, 2005:

Maripat Cline of New Berlin  
Non-Salaried

Jacqueline Garner of Springfield  
Non-Salaried

Mitra B. Kalelkar of Oak Brook  
Non-Salaried

ILLINOIS DEVELOPMENT FINANCE AUTHORITY

To be a member of the Illinois Development Finance  
Authority for a term ending January 20, 2003:

Brian F. Hynes of Chicago  
Non-Salaried

To be a member of the Illinois Development Finance  
Authority for a term ending January 17, 2005:

Ira Alper of Glenview  
Non-Salaried

ILLINOIS FARM DEVELOPMENT AUTHORITY

To be a member of the Illinois Farm Development  
Authority for a term ending January 15, 2005:

Joseph L. Alford of Girard  
Non-Salaried

To be a member of the Illinois Farm Development  
Authority for a term ending January 16, 2006:

R. Scott Torrance of Media  
Non-Salaried

ILLINOIS GAMING BOARD

To be a member of the Illinois Gaming Board for  
a term ending July 1, 2004:

Violet M. Clark of Chicago  
Non-Salaried

To be members of the Illinois Gaming Board for  
terms ending July 1, 2005:

Tobias G. Barry of Ladd  
Non-Salaried

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William E. Dugan of Mt. Prospect  
Non-Salaried

Gary L. Peterlin of Oglesby  
Non-Salaried

ILLINOIS HEALTH FACILITIES AUTHORITY

To be a member of the Illinois Health Facilities  
Authority for a term ending June 30, 2008:

Bruce Simon of Leland Grove  
Non-Salaried

To be a member of the Illinois Health Facilities  
Authority for a term ending June 30, 2009:

Thomas F. Jerkovitz of Chatham  
Non-Salaried

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

To be members of the Illinois Housing Development  
Authority for terms ending January 10, 2005:

Ronald J. Grotovsky of Mokena  
Non-Salaried

A. George Hovanec of Springfield  
Non-Salaried

Gerald Sinclair of Salem  
Non-Salaried

ILLINOIS LOTTERY CONTROL BOARD

To be members of the Illinois Lottery Control Board  
for terms ending July 1, 2003:

Joseph T. Brown of Rantoul  
Non-Salaried

Jonathan J. Stein of Wilmette  
Non-Salaried

To be a member of the Lottery Control Board  
for a term ending July 1, 2004:

Phillip Siegel of Chicago  
Non-Salaried

To be members of the Lottery Control Board for  
a terms ending July 1, 2005:

James Hadley of Chicago  
Non-Salaried

Irv Smith of Springfield  
Non-Salaried

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ILLINOIS RACING BOARD

To be a member, and Chairman, of the Illinois Racing Board for a term ending July 1, 2008:

Dennis S. Bookshester of Chicago  
Non-Salaried

To be members of the Illinois Racing Board for terms ending July 1, 2008:

William J. Chamblin of Robinson  
Non-Salaried

Leon Shlofrock of Skokie  
Non-Salaried

Robert C. Winchester of Rosiclare  
Non-Salaried

ILLINOIS RESEARCH PARK AUTHORITY

To be members of the Illinois Research Park Authority for terms ending January 19, 2004:

David E. Baker of Chicago  
Non-Salaried

Darcy E. Davidsmeyer of Kildeer  
Non-Salaried

James E. Walker of Carbondale  
Non-Salaried

To be members of the Illinois Research Park Authority for terms ending January 17, 2005:

Don M. Randel of Chicago  
Non-Salaried

Mary Reynolds of Pleasant Plains  
Non-Salaried

To be members of the Illinois Research Park Authority for terms ending January 16, 2006:

Henry S. Bienen of Evanston  
Non-Salaried

David C. Broski of Dunlap  
Non-Salaried

Pam McDonough of Springfield  
Non-Salaried

Gerald W. Shea of Burr Ridge  
Non-Salaried

ILLINOIS STATE MEDICAL DISCIPLINARY BOARD

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To be members of the Illinois State Medical  
Disciplinary Board for terms ending January 1,  
2007:

Edward P. Rose of Belleville  
Non-Salaried

Douglas P. Webster of Chicago  
Non-Salaried

ILLINOIS STUDENT ASSISTANCE COMMISSION

To be a member of the Illinois Student Assistance  
Commission for a term ending June 30, 2003:

Kevin O'Kelly of Downers Grove  
Non-Salaried

To be a member of the Illinois Student Assistance  
Commission for a term ending June 30, 2007:

Robert F. Casey of Batavia  
Non-Salaried

KASKASKIA REGIONAL PORT DISTRICT BOARD

To be members of the Kaskaskia Regional Port  
District Board for terms ending June 30, 2005:

Charles R. Bauer of Smithton  
Non-Salaried

Richard L. Guebert of Red Bud  
Non-Salaried

Robert D. Keller of Waterloo  
Non-Salaried

Robert J. Myerscough of Evansville  
Non-Salaried

Nancy J. Schilling of Evansville  
Non-Salaried

MEDICAL LICENSING BOARD

To be members of the Medical Licensing Board  
for terms ending January 1, 2006:

Dennis D. Palmer of Aledo  
Non-Salaried

William J. Rademacher of Bloomington  
Non-Salaried

METROPOLITAN PIER & EXPOSITION AUTHORITY

To be a member of the Metropolitan Pier & Exposition  
Authority for a term ending June 1, 2003:

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John A. Miller of Winnetka  
Non-Salaried

To be a member of the Metropolitan Pier & Exposition  
Authority for a term ending June 1, 2007:

Guy J. Chipparoni of Wilmette  
Non-Salaried

MID-AMERICA INTERMODAL AUTHORITY PORT DISTRICT BOARD

To be a member of the Mid-America Intermodal Authority  
Port District Board for a term ending June 1, 2007:

Gene Blackburn of Plymouth  
Non-Salaried

NATURAL RESOURCES AND CONSERVATION BOARD

To be members of the Natural Resources and Conservation  
Board for unspecified term lengths:

Michael P. Bruen of Libertyville  
Non-Salaried

Ada C. Nielsen of Lake Forest  
Non-Salaried

PUBLIC ADMINISTRATOR & PUBLIC GUARDIAN

To be the Public Administrator & Public Guardian  
of Calhoun County for a term ending December 5, 2005:

Sylvia Hitchings of Hamburg  
Non-Salaried

To be the Public Administrator & Public Guardian of  
Jefferson County for a term ending December 5, 2005:

Rita Wyciskalla of Scheller  
Non-Salaried

To be the Public Administrator & Public Guardian of  
Jersey County for a term ending December 5, 2005:

Frank Yocom of Jerseyville  
Non-Salaried

To be the Public Administrator & Public Guardian of  
Pike County for a term ending December 5, 2005:

Jamie B. Thompson of Pittsfield  
Non-Salaried

To be the Public Administrator & Public Guardian of  
Rock Island County for a term ending December 5, 2005:

H. Moss Meersman of Moline  
Non-Salaried

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To be the Public Administrator & Public Guardian of Sangamon County for a term ending December 5, 2005:

Alfred B. LaBarre of Springfield  
Non-Salaried

To be the Public Administrator & Public Guardian of Vermilion County for a term ending December 5, 2005:

George R. Weller of Danville  
Non-Salaried

QUAD CITIES REGIONAL ECONOMIC DEVELOPMENT AUTHORITY

To be members of the Quad Cities Regional Economic Development Authority for terms ending January 19, 2004:

Robert L. Anderson of Moline  
Non-Salaried

Walter J. Sitzmore of Moline  
Non-Salaried

To be members of the Quad Cities Regional Economic Development Authority for terms ending January 17, 2005:

Thomas G. Getz of Moline  
Non-Salaried

James Patrick Jacobs of Rock Island  
Non-Salaried

Scott A. Verschoore of Reynolds  
Non-Salaried

SOUTHWEST REGIONAL PORT DISTRICT BOARD

To be members of the Southwest Regional Port District Board for terms ending June 30, 2003:

James H. Collins of Belleville  
Non-Salaried

Vernon L. Dennis of Fairview Heights  
Non-Salaried

To be members of the Southwest Regional Port District Board for terms ending June 30, 2004:

Joseph H. McCaskill of East St. Louis  
Non-Salaried

Scott E. Penny of Fairmont City  
Non-Salaried

Victor R. Wicks of East St. Louis  
Non-Salaried

To be members of the Southwest Regional Port District Board for terms ending June 30, 2005:

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Catherine E. Calvert of Lovejoy  
Non-Salaried

Paul L. Sudmeier of East Carondelet  
Non-Salaried

STATE BANKING BOARD OF ILLINOIS

To be members of the State Banking Board of Illinois  
for terms ending December 31, 2004:

Courtney C. Shea of Chicago  
Non-Salaried

Spiro G. Zarkos of Westchester  
Non-Salaried

To be a member of the State Banking Board of Illinois  
for a term ending December 31, 2005:

Thomas L. Bugielski of Oak Park  
Non-Salaried

STATE BOARD OF EDUCATION

To be members of the State Board of Education for  
terms commencing January 8, 2003, and ending  
January 14, 2009:

Joyce E. Karon of Barrington  
Non-Salaried

Gregory N. Kazarian of Lake Forest  
Non-Salaried

STATE BOARD OF HEALTH

To be members of the State Board of Health for terms  
ending November 1, 2002:

Kevin D. Hutchison of Mascoutah  
Non-Salaried

David B. McCurdy of Elmhurst  
Non-Salaried

Ann O'Sullivan of Mt. Sterling  
Non-Salaried

Richard H. Sewell of Chicago  
Non-Salaried

To be members of the State Board of Health  
for terms ending November 1, 2003:

Mary England of Mt. Vernon  
Non-Salaried

Jane Jackman of Springfield  
Non-Salaried

[Nov. 21, 2002]

Janice E. Linn of Chicago  
Non-Salaried

James McGee of Peoria Heights  
Non-Salaried

Gerald S. Moss of Highland Park  
Non-Salaried

Javette C. Orgain of Chicago  
Non-Salaried

Susan C. Scrimshaw of Chicago  
Non-Salaried

Kevin M. Sherin of Westmont  
Non-Salaried

Herbert E. Whiteley of Champaign  
Non-Salaried

To be members of the State Board of Health for  
terms ending November 1, 2004:

Steven M. Derks of Chicago  
Non-Salaried

Jorge A. Girotti of Elmhurst  
Non-Salaried

Karen Phelan of Chicago  
Non-Salaried

To be members of the State Board of Health  
for terms ending November 1, 2005:

Kevin D. Hutchison of Mascoutah  
Non-Salaried

David B. McCurdy of Elmhurst  
Non-Salaried

Ann O'Sullivan of Mt. Sterling  
Non-Salaried

Richard H. Sewell of Chicago  
Non-Salaried

STATE POLICE MERIT BOARD

To be a member of the State Police Merit Board  
for a term ending March 15, 2004:

Mary Bricker of Watseka  
Non-Salaried

To be a member of the State Police Merit Board  
for a term ending March 20, 2006:

Niranjan S. Shah of Oak Brook

[Nov. 21, 2002]

Non-Salaried

UPPER ILLINOIS RIVER VALLEY DEVELOPMENT AUTHORITY

To be members of the Upper Illinois River Valley  
Development Authority for terms ending January 19, 2004:

James P. Ghiglieri, Jr, of Toluca  
Non-Salaried

Barbara C. Griffith of McNabb  
Non-Salaried

Dennis G. Hackett of Morris  
Non-Salaried

William D. Meagher, Jr. of LaSalle  
Non-Salaried

John Shaw of Yorkville  
Non-Salaried

To be members of the Upper Illinois River Valley  
Development Authority for terms ending January 17, 2005:

Don Adams of Mendota  
Non-Salaried

Philip S. McCully of Toluca  
Non-Salaried

Thomas Setchell of Ottawa  
Non-Salaried

William Steep of Seneca  
Non-Salaried

WAUKEGAN PORT DISTRICT BOARD

To be a member of the Waukegan Port District Board  
for a term ending May 31, 2007:

Jack Potter of Waukegan  
Non-Salaried

WILL COUNTY METROPOLITAN EXPOSITION & AUDITORIUM AUTHORITY

To be a member of the Will County Metropolitan Exposition  
& Auditorium Authority for a term ending December 1, 2004:

James V. Smith of Joliet  
Non-Salaried

To be members of the Will County Metropolitan Exposition  
& Auditorium Authority for terms ending December 1, 2006:

Rosalie D'Andrea of Joliet  
Non-Salaried

Lee A. Goodson of Plainfield

[Nov. 21, 2002]

Non-Salaried

WILL-KANKAKEE REGIONAL DEVELOPMENT AUTHORITY

To be a member of the Will-Kankakee Regional Development Authority for a term ending January 19, 2004:

Albert F. Potter of Kankakee  
Non-Salaried

To be a member of the Will-Kankakee Regional Development Authority for a term ending January 17, 2005:

Walter J. Charlton of Kankakee  
Non-Salaried

GEORGE H. RYAN

Under the rules, the foregoing Message was referred to the Committee on Executive Appointments.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 455

Offered by Senator Link and all Senators:  
Mourns the death of Amos I. Jones.

SENATE RESOLUTION NO. 456

Offered by Senators Shadid - Hawkinson and all Senators:  
Mourns the death of Charles R. "Chuck" Schofield of Bartonville.

SENATE RESOLUTION NO. 457

Offered by Senator Clayborne and all Senators:  
Mourns the death of Dr. Paul F. Becherer of Belleville.

SENATE RESOLUTION NO. 458

Offered by Senator Clayborne and all Senators:  
Mourns the death of George W. Foster of East St. Louis.

SENATE RESOLUTION NO. 459

Offered by Senator Lauzen and all Senators:  
Mourns the death of Paul D. Burgo, Sr. of Aurora.

SENATE RESOLUTION NO. 460

Offered by Senator Lauzen and all Senators:  
Mourns the death of Dr. Michael Edward Sestak of Batavia.

SENATE RESOLUTION NO. 461

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of Edwin M. Schroeder of Grayslake.

SENATE RESOLUTION NO. 462

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of Leroy Winstead of Zion.

SENATE RESOLUTION NO. 463

Offered by Senator E. Jones and all Senators:  
Mourns the death of Jasper Ford.

[Nov. 21, 2002]

## SENATE RESOLUTION NO. 464

Offered by Senator E. Jones and all Senators:  
Mourns the death of Dr. Arnita Boswell formerly of Chicago.

## SENATE RESOLUTION NO. 465

Offered by Senator Dillard and all Senators:  
Mourns the death of Joanne Maxwell of Naperville.

## SENATE RESOLUTION NO. 466

Offered by Senator Shadiid and all Senators:  
Mourns the death of John Brown of Gillespie.

## SENATE RESOLUTION NO. 467

Offered by Senator Shadiid and all Senators:  
Mourns the death of Madeline C. Alwan of Peoria.

## SENATE RESOLUTION NO. 468

Offered by Senator Shadiid and all Senators:  
Mourns the death of Regina Spears of Princeville.

## SENATE RESOLUTION NO. 469

Offered by Senator Shadiid and all Senators:  
Mourns the death of E. A. "Bud" Gingher of Peoria.

## SENATE RESOLUTION NO. 470

Offered by Senator Link and all Senators:  
Mourns the death of James Patrick "Larry" Leonard of Waukegan.

## SENATE RESOLUTION NO. 471

Offered by Senator Silverstein and all Senators:  
Mourns the death of Andrew Farenga.

## SENATE RESOLUTION NO. 472

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of Catherine Adrienne Neal of Chicago.

## SENATE RESOLUTION NO. 473

Offered by Senator Dillard and all Senators:  
Mourns the death of Jay Berwanger of Oak Brook.

## SENATE RESOLUTION NO. 474

Offered by Senator Lauzen and all Senators:  
Mourns the death of Victor "Vic" Erday, Jr. formerly of Geneva.

## SENATE RESOLUTION NO. 475

Offered by Senator Lightford and all Senators:  
Mourns the death of Dr. Putrina Dunlap-Deas of Columbia, South Carolina.

## SENATE RESOLUTION NO. 476

Offered by Senator E. Jones - Sullivan and all Senators:  
Mourns the death of Robert M. Healey of Chicago.

## SENATE RESOLUTION NO. 477

Offered by Senator Dillard and all Senators:  
Mourns the death of Gardner Heidrick of Hinsdale.

## SENATE RESOLUTION NO. 478

Offered by Senator Dillard and all Senators:  
Mourns the death of John Killeen O'Connor of Northfield.

[Nov. 21, 2002]

SENATE RESOLUTION NO. 479

Offered by Senator Clayborne and all Senators:  
Mourns the death of Paul A. Whelan of Belleville.

SENATE RESOLUTION NO. 480

Offered by Senator Clayborne and all Senators:  
Mourns the death of James Tibbs of East St. Louis.

SENATE RESOLUTION NO. 481

Offered by Senator Clayborne and all Senators:  
Mourns the death of Arkola "Kay" Jones of Cahokia.

SENATE RESOLUTION NO. 482

Offered by Senator Demuzio and all Senators:  
Mourns the death of Frances Cowan Clayborne, Grandmother of State  
Senator James F. Clayborne.

SENATE RESOLUTION NO. 483

Offered by Senator Noland and all Senators:  
Mourns the death of Wayne Eugene "Gene" Gambrill of Niantic.

SENATE RESOLUTION NO. 484

Offered by Senator Noland and all Senators:  
Mourns the death of William "Bill" B. Cannon of Decatur.

SENATE RESOLUTION NO. 485

Offered by Senator Noland and all Senators:  
Mourns the death of John W. Clark of Macon.

SENATE RESOLUTION NO. 486

Offered by Senator Shaw and all Senators:  
Mourns the death of Claranette Sims-Jackson of Chicago.

SENATE RESOLUTION NO. 487

Offered by Senator E. Jones and all Senators:  
Mourns the death of Nellie L. Lieteau of Chicago.

SENATE RESOLUTION NO. 488

Offered by Senator Link and all Senators:  
Mourns the death of William E. Hartnett formerly of Grayslake.

SENATE RESOLUTION NO. 489

Offered by Senators Shadid - Hawkinson and all Senators:  
Mourns the death of Robert A. Jamieson of Peoria.

SENATE RESOLUTION NO. 490

Offered by Senator Shadid and all Senators:  
Mourns the death of J. Robert Vonachen of Peoria.

SENATE RESOLUTION NO. 491

Offered by Senator Shaw and all Senators:  
Mourns the death of Nellie Tillman of Calumet City.

SENATE RESOLUTION NO. 492

Offered by Senator Shaw and all Senators:  
Mourns the death of Jeffrey Paul Radford of Chicago.

SENATE RESOLUTION NO. 493

Offered by Senator O'Malley - Sullivan and all Senators:  
Mourns the death of Marlys Johnson of Park Ridge.

[Nov. 21, 2002]

SENATE RESOLUTION NO. 494

Offered by Senator E. Jones and all Senators:  
Mourns the death of Reverend Alvin F. Harris, Jr. of Chicago.

SENATE RESOLUTION NO. 495

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of Edward Kohlmeyer of Round Lake.

SENATE RESOLUTION NO. 496

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of Wyoline Degler of Winthrop Harbor.

SENATE RESOLUTION NO. 497

Offered by Senator Link and all Senators:  
Mourns the death of Linda S. Milewski of Waukegan.

SENATE RESOLUTION NO. 498

Offered by Senator O'Malley and all Senators:  
Mourns the death of Alexander Magnus of Arlington.

SENATE RESOLUTION NO. 499

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of Amelia Faro of Zion.

SENATE RESOLUTION NO. 500

Offered by Senator O'Malley and all Senators:  
Mourns the death of Thomas O'Connor of Alsip.

SENATE RESOLUTION NO. 501

Offered by Senators Shadid - Hawkinson and all Senators:  
Mourns the death of Henry Pindell Slane of Peoria.

SENATE RESOLUTION NO. 502

Offered by Senator E. Jones and all Senators:  
Mourns the death of Karen Lynette Hubbard of Chicago.

SENATE RESOLUTION NO. 503

Offered by Senator Link and all Senators:  
Mourns the death of Lester J. Harman of Lake Forest.

SENATE RESOLUTION NO. 504

Offered by Senator Link and all Senators:  
Mourns the death of the Reverend Doctor Clarence Clarke of North Chicago.

SENATE RESOLUTION NO. 505

Offered by Senator Halvorson and all Senators:  
Mourns the death of Bob Furnace of Park Forest.

SENATE RESOLUTION NO. 506

Offered by Senator Halvorson and all Senators:  
Mourns the death of Sue A. Rudy of Crete.

SENATE RESOLUTION NO. 507

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of Stephen W. LaBelle of Zion.

SENATE RESOLUTION NO. 508

Offered by Senator Link and all Senators:  
Mourns the death of Henry Altman of Chicago.

[Nov. 21, 2002]



SENATE RESOLUTION NO. 509

Offered by Senator O'Malley and all Senators:  
Mourns the death of Phoebe Irene Angel.

SENATE RESOLUTION NO. 510

Offered by Senators Hawkinson - Sieben and all Senators:  
Mourns the death of former State Representative A. T. "Tom" McMaster of Oneida.

SENATE RESOLUTION NO. 511

Offered by Senator Clayborne and all Senators:  
Mourns the death of Harvey Eugene Henderson.

SENATE RESOLUTION NO. 512

Offered by Senator O'Malley and all Senators:  
Mourns the death of Alma Mae "Dolly" Trainor of Orland Park.

SENATE RESOLUTION NO. 513

Offered by Senator W. Jones and all Senators:  
Mourns the death of Alan Victor Eck.

SENATE RESOLUTION NO. 514

Offered by Senator O'Malley and all Senators:  
Mourns the death of Lawrence G. Kory of Glenview.

SENATE RESOLUTION NO. 515

Offered by Senator O'Malley and all Senators:  
Mourns the death of Florence M. Zito of Palos Hills.

SENATE RESOLUTION NO. 516

Offered by Senators Geo-Karis - Peterson and all Senators:  
Mourns the death of Gordon "Gordy" Kiesgen of Fox Lake.

SENATE RESOLUTION NO. 519

Offered by Senator Silverstein and all Senators:  
Mourns the death of Elizabeth "Betty" Scanlon of Morton Grove.

SENATE RESOLUTION NO. 520

Offered by Senators Demuzio, E. Jones and all Senators:  
Mourns the death of Minerva Verton of Gillespie.

SENATE RESOLUTION NO. 521

Offered by Senators Demuzio, E. Jones and all Senators:  
Mourns the death of James M. Beane Jr. of Virden.

SENATE RESOLUTION NO. 522

Offered by Senators Demuzio, E. Jones and all Senators:  
Mourns the death of William B. "Willie" Ishmael of Greenview.

SENATE RESOLUTION NO. 523

Offered by Senators Demuzio, E. Jones and all Senators:  
Mourns the death of Father John O'Connell of Ashland.

SENATE RESOLUTION NO. 524

Offered by Senators Demuzio, E. Jones and all Senators:  
Mourns the death of Mary Y. Boyle of Thayer.

SENATE RESOLUTION NO. 525

Offered by Senators Demuzio, E. Jones and all Senators:  
Mourns the death of Marjorie A. Mazzotti.

[Nov. 21, 2002]

## SENATE RESOLUTION NO. 526

Offered by Senator Noland and all Senators:  
Mourns the death of Violet A. Mathias of Blue Mound.

## SENATE RESOLUTION NO. 527

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of Michael V. "Mikey" Springer, Jr. of Zion.

## SENATE RESOLUTION NO. 528

Offered by Senator Lauzen and all Senators:  
Mourns the death of Jeffrey T. Signorelli of Aurora.

## SENATE RESOLUTION NO. 529

Offered by Senator Lauzen and all Senators:  
Mourns the death of Clinton Keith Tomson of Geneva.

## SENATE RESOLUTION NO. 530

Offered by Senator Lauzen and all Senators:  
Mourns the death of Christopher Wesley Booth of Plainfield.

## SENATE RESOLUTION NO. 531

Offered by Senator Lauzen and all Senators:  
Mourns the death of Helen K. Biever of Aurora.

## SENATE RESOLUTION NO. 532

Offered by Senator Lauzen and all Senators:  
Mourns the death of Thomas Keith Haverstock, D.D.S of Geneva.

## SENATE RESOLUTION NO. 533

Offered by Senator Sullivan and all Senators:  
Mourns the death of James J. Diamond of Mount Prospect.

## SENATE RESOLUTION NO. 534

Offered by Senator Sullivan and all Senators:  
Mourns the death of John J. Frieburg, Jr. of Arlington Heights.

## SENATE RESOLUTION NO. 535

Offered by Senator Parker and all Senators:  
Mourns the death of W. Clement Stone of Chicago.

## SENATE RESOLUTION NO. 536

Offered by Senator Sullivan and all Senators:  
Mourns the death of Norman A. Brown of Park Ridge.

## SENATE RESOLUTION NO. 537

Offered by Senator Shadid and all Senators:  
Mourns the death of John R. Hillman of Eureka.

## SENATE RESOLUTION NO. 538

Offered by Senator Sullivan and all Senators:  
Mourns the death of Danielle Christine Henmueller of Des Plaines.

## SENATE RESOLUTION NO. 539

Offered by Senator Sullivan and all Senators:  
Mourns the death of Carmen M. Vinezeano.

## SENATE RESOLUTION NO. 540

Offered by Senator Myers and all Senators:  
Mourns the death of Floyd A. "Johnny Boy" Sumila of Danville.

[Nov. 21, 2002]

## SENATE RESOLUTION NO. 541

Offered by Senator Parker and all Senators:  
Mourns the death of Lisa Derman of Chicago.

Senator Hawkinson moved the adoption of the foregoing resolutions.

The motion prevailed.

And the resolutions were adopted.

## MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

## HOUSE JOINT RESOLUTION NO. 89

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the House of Representatives adjourns on Thursday, November 21, 2002, it stands adjourned until Tuesday, December 3, 2002 at 1:00 o'clock p.m.; and when the Senate adjourns on Thursday, November 21, 2002, it stands adjourned until Tuesday, December 3, 2002 at 3:00 o'clock p.m.

Adopted by the House, November 21, 2002.

ANTHONY D. ROSSI, Clerk of the House

By unanimous consent, on motion of Senator Weaver, the foregoing message reporting House Joint Resolution No. 89 was taken up for immediate consideration.

Senator Weaver moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 11:28 o'clock a.m., on motion of Senator W. Jones, and pursuant to House Joint Resolution No. 89, the Senate stood adjourned until Tuesday, December 3, 2002 at 3:00 o'clock p.m.

[Nov. 21, 2002]